

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PETE CHALIF,

Plaintiff,

-against-

9:05-CV-1355
(LEK/DEP)

ELIOT SPITZER, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on March 17, 2008 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 90). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Pete Chalif, which were filed on March 27, 2008. Objections (Dkt. No. 91).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 90) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff's Amended Complaint (Dkt. No. 15) is **DISMISSED WITHOUT PREJUDICE** as to Defendants Tenent, Strickland, Mueller, Potts and Betters; and it is further

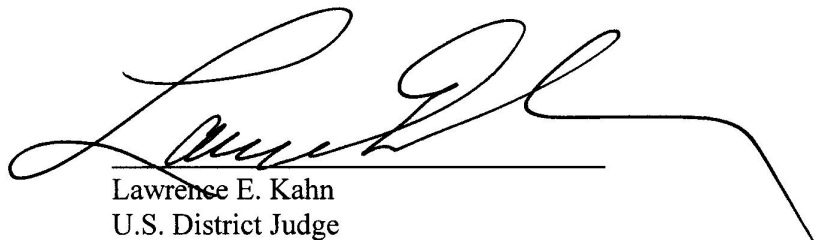
ORDERED, that Defendants' Motion for judgment on the pleadings (Dkt. No. 78) is **GRANTED**; and it is further

ORDERED, that Plaintiff's Amended Complaint (Dkt. No. 15) is **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: April 23, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge